

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

JAMES JIMMY SWANN,

Plaintiff,

v.

TIM SMITH,

Defendant.

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Case No. 1:18-cv-192

Judge Mattice

Magistrate Judge Steger

ORDER

On October 9, 2018, United States Magistrate Judge Christopher H. Steger filed a Report and Recommendation (Doc. 8) pursuant to 28 U.S.C. § 636 and the standing orders of this Court. In reviewing Plaintiff's application to proceed *in forma pauperis* (Doc. 4), Magistrate Judge Steger concluded that Plaintiff's complaint does not state a claim for which relief may be granted under 42 U.S.C. § 1983 and that this Court lacks subject matter jurisdiction. Accordingly, Magistrate Judge Steger recommends this action be dismissed without prejudice and the application to proceed *in forma pauperis* be denied as moot.

Plaintiff has not filed an objection to the Report and Recommendation.¹ The Court has nonetheless reviewed the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Steger's well-reasoned conclusions.

¹ Magistrate Judge Steger advised Defendant that he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 8 at 4 n.3); *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings").

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Steger's findings of fact and conclusions of law as set forth in the Report and Recommendation (Doc. 8). This action is hereby **DISMISSED WITHOUT PREJUDICE** and the application to proceed *in forma pauperis* (Doc. 4) is **DENIED AS MOOT**.

SO ORDERED this 29th day of October, 2018.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE